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Attorneys for Defendant
Facebook, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

SIX4THREE, LLC, a Delaware limited liability
company,

Plaintiff,

v.

FACEBOOK, INC., a Delaware corporation;
MARK ZUCKERBERG, an individual;
CHRISTOPHER COX, an individual;
JAVIER OLIVAN, an individual;
SAMUEL LESSIN, an individual;
MICHAEL VERNAL, an individual;
ILYA SUKHAR, an individual; and
DOES 1-50, inclusive,

Defendants.

Case No. CIV 533328

**Assigned for all purposes to Hon. V. Raymond
Swope, Dept. 23**

**DEFENDANT FACEBOOK, INC.'S CASE
MANAGEMENT STATEMENT**

Date: June 7, 2019
Time: 2:00 p.m.
Dept: 23 (Complex Civil Litigation)
Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015
TRIAL DATE: April 25, 2019

1 Defendant Facebook, Inc. (“Facebook”) submits the following Case Management Statement in
2 advance of the Case Management Conference set for June 7, 2019.

3 **I. CASE STATUS**

4 Plaintiff Six4Three, LLC (“Six4Three”) has had more than six months to retain new counsel. If
5 Six4Three secures counsel before the hearing, Six4Three’s new counsel should get two weeks to
6 familiarize themselves with the case, and then the Court and Facebook’s investigation into Six4Three and
7 its former legal team’s misconduct should proceed. To further this long-delayed goal, Facebook will ask
8 the Court to lift the stay on discovery, and after discovery, Facebook plans to move for sanctions.
9 Facebook requests that the Court set briefing schedules and hearing dates for these motions. Importantly,
10 Facebook is permitted to—and will—pursue both of these options even if Six4Three has failed to retain
11 counsel.

12 Facebook may seek both forms of relief whether or not Six4Three has counsel. Contrary to the
13 arguments of Six4Three’s former lawyers, discovery *may* proceed against unrepresented corporations.
14 *See, e.g., Albrecht v. Ostler*, No. E054088, 2013 WL 444965, at *2 (Cal. Ct. App. Feb. 6, 2013), *Goulatte*
15 *v. Cty. of Riverside*, No. CV 11-1740 DDP(JCX), 2012 WL 12886968, at **2-3 (C.D. Cal. Aug. 2,
16 2012), *Morgan v. CSW Inc.*, No. 16-C-1283, 2017 WL 3028128, at *1 (E.D. Wis. May 12, 2017).
17 Moreover, as the Court and parties discussed on May 10, certain avenues of discovery do not raise the
18 privilege questions that the Court previously found significant. *See* Hrg. Tr. 23:23–26 (May 10, 2019)
19 (“[Defendants’ counsel]: They could have the world’s greatest counsel, they’re not going to be able to
20 assert privilege over communications between Mr. Kramer and the press or Mr. Scaramellino and the
21 press.”). Further, the custodians of such discovery are all individually represented. Discovery may
22 proceed.

23 With regard to sanctions, at least California’s Civil Discovery Act permits Facebook to seek
24 monetary, terminating, and other sanctions for Six4Three’s misconduct. Accordingly, Facebook requests
25 that briefing schedules and hearing dates for both motions, with the discovery motion first to allow
26 inquiry into Six4Three’s sanctionable misconduct.

27 Facebook proposes the following schedule for its motion to open discovery and motion for
28 sanctions:

Event	Date
Case Management Conference	June 7, 2019
Deadline for Facebook to move to open discovery	June 24, 2019
Deadline for Facebook to move for sanctions	Thirty days after the completion of discovery

II. PENDING MOTIONS

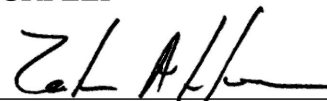
The following motions are currently pending before the Court

Motion	Filed	Briefing Status	Original Hearing Date	Current Hearing Date
Birnbaum & Godkin's Motion to Seal	March 15, 2019	Motion filed.	May 3, 2019	July 19, 2019
Birnbaum & Godkin's Motion to Seal	March 18, 2019	Motion filed.	May 3, 2019	July 19, 2019
Birnbaum & Godkin's Motion to Seal	March 22, 2019	Motion filed.	May 3, 2019	July 19, 2019
Facebook, Inc.'s Motion to Seal	April 17, 2019	Motion filed.	July 19, 2019	July 19, 2019

Dated: May 31, 2019

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By: _____



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Facebook, Inc., Mark Zuckerberg, Christopher Cox,
Javier Olivan, Samuel Lessin, Michael Vernal, and
Ilva Sukhar

PROOF OF SERVICE

I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is 217 Leidesdorff Street, San Francisco, CA 94111.

On May 31, 2019, I served the following documents in the manner described below:

DEFENDANTS' CASE MANAGEMENT STATEMENT

- ☒ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☒ BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Durie Tangri's electronic mail system from cortega@durietangri.com to the email addresses set forth below.

On the following part(ies) in this action:

VIA MESSENGER SERVICE & EMAIL

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3 Dea.Palumbo@wilsonelser.com

4 *Attorney for Gross & Klein LLP*

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct. Executed on May 31, 2019, at San Francisco, California.

7 
8 Christina Ortega